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10 FRIEDRICH HERIBERT BELIUNAS

11  
12 IN THE UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE  
15

16 UNITED STATES OF AMERICA, ) Case No.: 5:06-CR-00360-JW  
17 )  
18 Plaintiff, )  
19 ) UNOPPOSED MOTION TO CORRECT  
20 vs. ) CLERICAL ERROR PURSUANT TO  
21 ) RULE 36 OF THE FEDERAL RULES  
22 ) OF CRIMINAL PROCEDURE;  
23 ) DECLARATION OF ANTHONY P.  
24 CAPOZZI; AND ~~PROPOSED~~  
25 FREDRICH HERIBERT BELIUNAS, ) ORDER  
26 )  
27 Defendant. )  
28 ) Hon. Edward J. Davila  
 ) Courtroom: 4  
 )

19 Friedrich Heribert Beliunas, Defendant in the above-  
20 entitled case, by and through counsel, moves this court,  
21 pursuant to Rule 36 of the Federal Rules of Criminal  
22 Procedure (Fed. R. Crim. P. 36), to correct the clerical  
23 error to reflect the fact that Defendant's true name should  
24 be spelled "**Friedrich Heribert Beliunas**", and not Fredrich  
25 Heribert Beliunas (See Exhibit "A").

26 Counsel for the Defendant has spoken with Susan Knight,  
27 Assistant United States Attorney, who has indicated the  
28 government's assent to the allowance of this motion.

1 WHEREFORE, Defendant respectfully urges the court to  
2 correct the clerical error in this matter to accurately  
3 reflect the fact that the Defendant's true spelling of his  
4 name is "**Friedrich Heribert Beliunas.**"

5  
6 **DECLARATION OF ANTHONY P. CAPOZZI**  
7

8 I, Anthony P. Capozzi, declare that I am an attorney  
9 licensed to practice law in the State of California and is in  
10 good standing. This attorney has been the counsel of record  
11 for Defendant, Friedrich Heribert Beliunas. I have personal  
12 knowledge of the facts stated below and could testify  
13 competently to them if required.

14 1. I was the attorney that represented Defendant in the  
15 above-entitled matter, Case No.: 5:06-CR-00360.

16 2. Due to a clerical error, the Defendant's name is  
17 spelled "Fredrich Heribert Beliunas."

18 3. Defendant has recently submitted an application for a  
19 social security card. The application was rejected because  
20 his true first name "Friedrich" does not match the name on  
21 the Federal Bureau of Prisons records, "Fredrich."

22 4. Defendant's true name is "Friedrich Heribert  
23 Beliunas."

24 I declare under penalty of perjury that the foregoing is  
25 true and correct to the best of my knowledge.

26 Executed this 22nd day of February, 2013, at Fresno,  
27 California.  
28

1 DATED: February 22, 2013

Respectfully Submitted,

3 /s/Anthony P. Capozzi  
4 Anthony P. Capozzi  
5 Attorney for,  
6 FRIEDRICH H. BELIUNAS

7 **ORDER**

9 **IT IS SO ORDERED.** Good cause having been shown, the court  
10 hereby corrects the true name finding of Defendant, "Friedrich  
11 Heribert Beliunas" to be "Friedrich Heribert Beliunas."  
12

13 Date: February 26, 2013

14   
United States District Judge